

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

Docket No.
MICRODOSE 99.02 CON2

In Re Application Of: **ABRAMS et al.**

Application No.
10/756,124

Filing Date
January 12, 2004

Examiner
S. Tran

Customer No.
27667

Group Art Unit
1615

Confirmation No.
3144

Invention: **METERING AND PACKAGING OF CONTROLLED RELEASE MEDICATION**

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

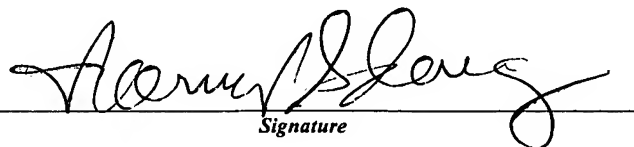
Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.


Signature

Dated: **1/4/06**

Norman P. Soloway
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HAYES SOLOWAY P.C.
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I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

January 5, 2006
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Signature of Person Mailing Correspondence

M. DIANE DUBE
~~Kathryn Grimes~~

Typed or Printed Name of Person Mailing Correspondence

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: ABRAMS et al.
Serial No.: 10/756,124
Filed: January 12, 2004
For: METERING AND PACKAGING OF CONTROLLED RELEASE ...
GROUP: 1615 Confirmation No. 3144
EXAMINER: S. Tran Docket: MICRODOSE 99.02CON2

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicants hereby attach U.S. Patent Office form PTO-1449, including a copy of the foreign reference listed therein. These references were cited in the Supplementary European Search Report dated October 18, 2005 of the corresponding European patent application. U.S. Patent 5,699,649 cited in the European Search Report is already of record in this Application. Enclosed is a copy of the Supplemental European Search Report. Applicants are not submitting copies of the U.S. Patent references as the Office waived the requirement under 37 CFR 1.98(a)(2)(i) on July 11, 2003. The claims in the present application are believed to be patentably distinguished over these references.

This Supplemental Information Disclosure statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made

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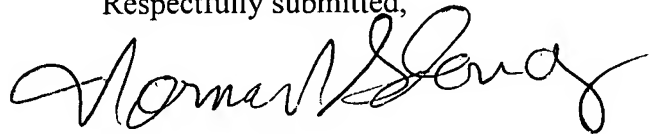
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that the information thus disclosed in fact constitutes prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

In compliance with the requirements of 37 C.F.R. § 1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of an official search report by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of foreign examiner or the claims of the foreign application under the laws of the country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the foreign examiner's comments submitted therewith.

The enclosed Supplemental Information Disclosure Statement is being submitted within three months of the Supplemental European Search Report, as certified in the attached Certification for Information Disclosure Statement. Therefore, we believe there are no fees involved with this Information Disclosure Statement. In the event there are additional fees payable, please charge them to our Deposit Account No. 08-1391.

Respectfully submitted,



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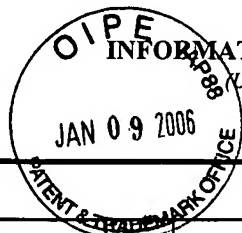
January 5, 2006 at Tucson, Arizona.

By: M. Diane Gube'

NPS:dd

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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

MICRODOSE 99.02 CON2

Application Number

10/756,124

Applicant(s)

ABRAMS et al.

Filing Date

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Group Art Unit

1615

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,827,538	10.27.98	CUSSLER et al.	424	473	
		4,349,531	9.14.82	MLODOZENIEC et al.	242	27	
		5,074,426	12.24.91	GOODHART et al.	220	4.24	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		WO 98/36770	8.27.98	PCT	A61K	38/27		

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.